

ID. Date of interview  
date 11/02/20

ID. Time interview started  
start 18:49:20

ID.end Completion date of interview  
Date 11/02/20

ID.end Time interview ended  
18:54:48

ID. Duration of interview  
time 5.47

new case

## ICO consultation on the draft right of access guidance

Q1 Does the draft guidance cover the relevant issues about the right of access?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, what other issues would you like to be covered in it?

Q2 Does the draft guidance contain the right level of detail?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

Q4 We have found that data protection professionals often struggle with applying and defining 'manifestly unfounded or excessive' subject access requests. We would like to include a wide range of examples from a variety of sectors to help you. Please provide some examples of manifestly unfounded and excessive requests below (if applicable).

Please refer to our response to question 8.

Q5 On a scale of 1-5 how useful is the draft guidance?

1 - Not at all useful	2 – Slightly useful	3 – Moderately useful	4 – Very useful	5 – Extremely useful
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6 Why have you given this score?

We think that the guidance provides more clarity on some issues (for example timescales, disclosure of third-party confidential information, requests made via portals) and gives some useful examples.

Q7 To what extent do you agree that the draft guidance is clear and easy to understand?

Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q8 Please provide any further comments or suggestions you may have about the draft guidance.

We have one comment on the draft guidance, concerning requests made by a third party on behalf of a data subject (pages 10-12). Specifically, this concerns an online platform that facilitates sending subject access requests to organisations on a purely speculative basis. The example we have seen is a platform which sends out subject access requests on behalf of firms of solicitors in an attempt to track down assets for those subject to mental capacity orders. We note the guidance on p.12 that a request made by a solicitor (or "attorney") in this context should be viewed as having the required authority, however that is not the issue. These speculative requests are made to companies on the financial services register, despite having no information to suggest that assets are held by those companies or that there was any relationship with the data subject at any time. They may not even be addressed to a particular data controller (we act as a data processor on behalf of a number of different data controllers). The request does not contain enough information to discern the identity of a data controller. In other words, it is a scatter gun approach. Where enough information is provided in the request that would help us to identify a particular controller, we would pass this on to the relevant controller. But in the absence of such information, and where the originator cannot provide further clarification, we feel it is inappropriate for us as a data processor to search the records for all data controllers for whom we process data. That would in our view amount to unauthorised access to data (i.e. a blanket search which is not processing instructed by the controller). It should be noted that there are mechanisms that would allow solicitors or other third parties to identify assets and the correct data controller (for example using a pensions tracing facility) which could be followed up

Q9 Are you answering as:

- ☐ An individual acting in a private capacity (eg someone providing their views as a member of the public)
- ☐ An individual acting in a professional capacity
- ☒ On behalf of an organisation
- ☐ Other

Please specify the name of your organisation:

Hymans Robertson LLP

What sector are you from:

Financial services

Q10 How did you find out about this survey?

- ☐ ICO Twitter account
- ☐ ICO Facebook account
- ☐ ICO LinkedIn account
- ☐ ICO website
- ☒ ICO newsletter
- ☐ ICO staff member
- ☐ Colleague
- ☐ Personal/work Twitter account
- ☐ Personal/work Facebook account
- ☐ Personal/work LinkedIn account
- ☐ Other

If other please specify: